



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, January 22, 2014
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Kerry Partridge - City Attorney
Angela Hammer – City Attorney
Todd Cagnoni – Director, Community & Economic Development Dept.
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Joseph Chiarelli
Alderman Teena Newburg
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, February 3, 2014, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:48 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the December 2013 meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-0 with Aaron Magdziarz and Dan Roszkowski abstaining.

013-LTAB-047

Applicant
Ward 03

1710 Rural Street

Nick Fosberg d/b/a Rural on Tap

Sale of liquor by the drink in conjunction with a bar in a C-2, Limited Commercial Zoning District
Laid Over from December meeting

Prior to the meeting, the Applicant requested that this item be Laid Over to the February 19, 2014 Liquor & Tobacco Advisory Board meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a bar in the name of Nick Fosberg d/b/a Rural on Tap in a C-2, Limited Commercial Zoning District at 1710 Rural Street to the February 19, 2014 meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

013-LTAB-048

Applicant
Ward 11

1804 18th Avenue

Jason Conerly d/b/a Rusty Nail Tavern, Inc.

Sale of liquor by the drink in conjunction with a tavern bar and restaurant

Sale of package liquor in conjunction with a tavern bar and restaurant

Sale of liquor by the drink in an outside seating area in an I-1, Light Industrial Zoning District

Laid Over from December meeting

The subject property is located on the northeast corner of 13th Street and 18th Avenue. At the December meeting, the Applicant had presented a great deal of written and verbal information after the Staff Report had been prepared. At that time, the Board felt they did not have sufficient time to review all the information presented, and laid over the item to this January meeting.

Attorney Nicholas Meyer and Jason Conerly were present. Attorney Meyer reviewed the Applicant's request. The business has been operating as a bar and grill since 1969 and will be under new ownership. Attorney Meyer explained Mr. Conerly's intent to operate more as a bar and grill rather than just a bar. He will renovate the kitchen to make the business more of a bar with grill atmosphere, and to serve sandwiches and lunches as well. Attorney Meyer stated there will be occasional events "here and there". Staff will undergo training on serving alcohol. There are 8 cameras that can be viewed remotely, and the parking lot is well lit. A card swipe system will be in place to insure the customer is of legal age. It is Mr. Conerly's intent to improve the exterior of the business as well as landscape all along 18th Avenue and along 13th street with grass, shade trees and evergreen plantings. Mr. Conerly agrees with all Staff

recommendations; however, he is asking for an extension on landscaping to October 1st. He is also asking to keep the beer garden open rather than enclosed.

Attorney Partridge asked if the Applicant is agreeable to the 9 conditions of approval. Attorney Meyer responded that he is, with a modified request to allow landscaping to be finalized by October 1st. Mr. Conerly further stated it is not his intention to have music in the beer garden area. Mr. Sanders asked if pushing the date for landscaping back meant he also wished to push back the date for parking lot improvement, to which Mr. Conerly stated that was correct. He further explained that the beer garden came into effect in 1999, and it is open until the bar closes.

Regarding the Applicant's request to not enclose the beer garden, Mr. Cagnoni stated the liquor code states properties within a specified distance of residential use are not allowed to have open seating areas past 10:00 p.m. In addition, if the beer garden area is to be designated for smoking only, they would not be allowed to have food and drink. However, if the beer garden area is used for smoking only after 10:00 that would be permitted providing no food or drinks are consumed.

Staff Recommendation is for Approval of all requests with (9) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink in conjunction with a tavern bar and restaurant; **APPROVE** the sale of package liquor in conjunction with a tavern bar and restaurant; and to **APPROVE** the sale of liquor by the drink in an outside seating area in the name of Jason Conerly d/b/a Rusty Nail Tavern, Inc. in an I-1, Light Industrial Zoning District at 1804 18th Avenue. with modification to condition 8. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire, and Liquor Codes.
2. The hours of operation and days will be Monday through Saturday 11:00 a.m. to 2:00 a.m. and Sunday 11:00 a.m. to midnight.
3. That there shall be no cover charge.
4. No stage area/dance floor shall exceed 150 square feet.
5. The outdoor seating area is to close by 10:00 p.m. during the weekdays and midnight on weekends.
6. That the windows shall not be obstructed with bars or other devices that block the windows.
7. That the sale of package liquor is limited to beer and shall not be sold as individual containers or in quantity less than a 6 pack.
8. That the submitted landscape plan (Exhibit L) shall be installed by October 1, 2014
9. That the sign shall be removed and brought into compliance by October 1, 2014.

013-LTAB-050

Applicant
Ward 11

828 Broadway

Amjed Alobaidi d/b/a Neighborhood Grocery
Sale of tobacco products in conjunction with a grocery store in a C-4, Urban
Mixed Use Zoning District

The subject property is located on the north side of Broadway and 22' west of South 5th Street. Mr. Alobaidi reviewed his request for tobacco sales. He states he has a large parking lot, does sell grocery products and wishes to add tobacco sales for his customers.

Attorney Partridge asked the applicant if he was agreeable to conditions of approval. Mr. Alobaidi stated he was. Mr. Sanders asked if this business would become predominately a tobacco store. Mr. Alobaidi stated the tobacco would only be in conjunction to the existing sale items and not the main product in his store.

Staff Recommendation is for Approval subject to (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Amjed Alo Baidi d/b/a Neighborhood Grocery in a C-4 Urban Mixed Use Zoning District at 828 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Saturday 8:00 a.m. to 10:00 p.m. and Sunday 8:00 a.m. to 9:00 p.m.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.

013-LTAB-051

Applicant
Ward 09

3951 West Riverside Boulevard

Jay A. Gesner d/b/a Miss Jill's

Sale of liquor by the drink in conjunction with a tavern and gaming facility in a C-3, General Commercial Zoning District

The subject property is located within a strip center on the north side of West Riverside Boulevard, approximately 105 feet east of Owen Center Road. The tenant space is currently vacant. Attorney Robert Calgaro and Jay Gesner, Applicant were present. Attorney Calgaro reviewed his client's request for sale of liquor. He explained Mr. Gesner also operates an identical business at State and Alpine, also known as Miss Jill's. He stated the Applicant is agreeable to all of Staff's conditions.

Attorney Partridge did not have any questions of the Applicant.

Staff Recommendation is for Approval with (10) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink in conjunction with a tavern and gaming facility in the name of Jay A. Gesner d/b/a Miss Jill's in a C-3, General Commercial Zoning District at 3951 West Riverside Boulevard. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire codes and Liquor Codes.
2. Submittal of a building permit for Staff's review and approval.
3. The sale of liquor to be limited to tenant space shown on Exhibit D.
4. The business shall not have a cover charge.
5. The business shall not have a dance floor.
6. The business shall not have any DJ's
7. The business shall not have any live entertainment.
8. The business shall not operate as a nightclub.
9. If the business plan is modified submittal of a security plan for Staff's review and approval is required.
10. Signage displayed in windows shall be limited to 35% of the window area.

013-LTAB-052

Applicant
Ward 10

320 North Mulford Road

Ali Salem d/b/a BP

Sale of tobacco products in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the west side of North Mulford Road and the Executive Parkway intersection. Attorney Mario Tarara, and Ali Salem were present. Attorney Tarara reviewed the Applicant's request for sale of tobacco products. This gas station and convenience store has a history of tobacco sales and Mr. Salem would like to continue this use.

Attorney Partridge asked Mr. Salem if he would continue the association with BP, to which Attorney Tarara responded yes. He also stated Mr. Salem is agreeable to staff conditions.

Staff Recommendation is for Approval with (5) conditions. Objectors or Interested Parties were present. Mr. Cagnoni wish to modify condition 3 to read "drug paraphernalia" rather than "crack pipes".

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Ali Salem d/b/a BP in a C-3, General Commercial Zoning District at 320 North Mulford Road with modification to condition 3. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire codes.
2. Compliance with all City Tobacco Codes.
3. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
4. Window display signage is limited to 35% of window area.
5. That the windows shall not be obstructed with bars or other devices that block the windows.

013-LTAB-053

Applicant
Ward 14

4326 and 4302-4358 Sandy Hollow Road

Nirav Patel d/b/a 360 Tobacco

Sale of tobacco products in conjunction with a tobacco store in a C-2, Limited Office Zoning District

The subject property is located on the northwest corner of Sandy Hollow Road and Colony Bay Drive intersection. Nirav Patel, and Anant Patel, Applicants were present. Nirav Patel stated this business is already an existing tobacco store named "Tobacco 360". The Applicants propose to add a lottery machine, canned food, and other convenience store items.

Attorney Partridge asked if they were agreeable to Staff's 14 conditions of approval. Both Applicants stated they were. Mr. Sockwell asked what types of items were being sold at this time. The Applicants responded candy, rolling papers, bags of tobacco, cigarettes, high end tobacco, cigars.

Staff Recommendation was for Approval with (14) conditions. No Objectors or Interested Parties were present.

Attorney Partridge requested that condition 9 be changed to state "drug paraphernalia" instead of "crack pipes".

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of tobacco projects in conjunction with a tobacco store in the name of Nirav Patel d/b/a 360 Tobacco in a C-2, Limited Office Zoning District at

4326 and 4302-4358 Sandy Hollow Road with modification to condition 9. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. Compliance with all City of Rockford Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit D.
5. Submittal of a civil plan to include parking spaces and landscaping.
6. The hours of operation and days will be 8:00 a.m. to 8:00 p.m. Monday through Friday.
7. The hours of operation and days will be 9:00 a.m. to 7:00 p.m. on Saturday.
8. The hours of operation and days will be 9:00 a.m. to 6:00 p.m. on Sunday.
9. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
10. The sale of water pipes and "hooka" pipes are prohibited.
11. Window display signage is limited to 35% of window area.
12. That there shall be no temporary exterior signage.
13. That the windows shall not be covered with bars or other devices that block the windows.
14. That prior to the issuance of a tobacco license all conditions of approval are satisfied, including installation of landscaping in accordance with previously approved plan.

013-LTAB-054

Applicant
Ward 02

2338 Charles Street

Samir Alsaqif d/b/a S & H Variety Store, Inc.

Sale of tobacco products in conjunction with a convenience store in a C-3,
General Commercial Zoning District

The subject property is located on the northwest corner of the South Rockford Avenue and Charles Street intersection and is currently an existing convenience store. Jeremy Bergeson and Samir Alsaqif were present. Mr. Bergeson stated he is assisting the Applicant with opening his store.

Attorney Partridge asked if this was a change of ownership. Mr. Bergeson stated it is. Mr. Alsaqif has already put a deposit on the building and wants to be certain he can sell tobacco products.

Mr. Sanders stated the location is well over the limit for signage and this needs to be addressed and rectified.

Staff Recommendation is for Approval with (8) conditions. Objectors or Interested Parties were present.

Steven Johnson, works at 615 South Rockford Avenue and spoke in Objection to this proposal. He stated his business is also a tobacco store and is located less than 100 yards away from the Applicant's site.

In response, Mr. Bergeson stated they were not aware of Mr. Johnson's business.

Alicia Neubauer stated she is still voting for Denial based on the condition of the building and property, as well as with problematic issues relating to the business currently operating. Mr. Cagnoni stated the original tobacco store was operating without a license. At the time the previous Application came before the Board, Staff recommended denial because of landscaping issues. However, City Council felt putting landscaping on the property at that time was over burdensome and did approve tobacco sales. Attorney Partridge added that this property is in a 100 year flood plain for Keith Creek, so it is only a matter of time before it floods again.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of tobacco products in conjunction with a convenience store in the name of Samir Alsaqif d/b/a S & H Variety Store, Inc. in a C-3, General Commercial Zoning District at 2338 Charles Street with the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. The hours and days of operation for the convenience store will be from 8:00 a.m. to 8:00 p.m., Sunday through Saturday.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. The sale of water pipes and "hooka" pipes are prohibited.
6. Window display signage is limited to 35% of window area.
7. That there shall not be temporary exterior signage.
8. That the windows shall not be covered with bars or other devices that block the windows.

The Motion **FAILED** for lack of a second.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of tobacco products in conjunction with a convenience store in the name of Samir Alsaqif d/b/a S & H Variety Store, Inc. in a C-3 General Commercial Zoning District at 2338 Charles Street. The Motion was **SECONDED** by Scott Saunders and **CARRIED** by a vote of 5-1, with Aaron Magdziarz voting Nay.

013-LTAB-055

Applicant
Ward 03

306 East State Street

Joseph P. Colombi d/b/a JoJo's Slots & Video, Inc.

Sale of liquor by the drink in conjunction with a bar and restaurant with video gaming and an outside seating area in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the north side of East State Street, 80 feet east of the Madison Street and East State Street intersection. Joseph Colombi, Applicant, and Attorney Robert Calgaro, were present. Attorney Calgaro reviewed the application. The front half of this building is a barber shop. The occupant will be retiring and the rear space has not been used. The Applicant has an agreement with the adjoining bar - CJ's - to use their kitchen. The menu will consist of sandwiches and limited appetizers. The Applicant felt this use was consistent with uses along E. State Street.

Staff Recommendation is for Approval with (14) conditions. Objectors or Interested Parties were present.

Alderman Thomas McNamara was present as an Objector. He feels with the investments the City has made in the Ingersoll building, downtown area, including the City's goals for the 300-400 blocks, he does not see how a gaming parlor fits into this plan. He wished to clarify his objection is not towards the Applicant himself, but rather to the location he has chosen.

In response, Attorney Calgaro stated there are already 4 or 5 facilities with gaming within a few blocks of this location.

Mr. Sockwell felt if CJ's already had gaming machines, he looked at this as a way of adding 5 more machines, since an establishment is limited to 5 machines. As far as the location, he felt, he had difficulty finding that a recreation bar is not consistent with the location. It would fit into a night life feeling to the area. He feels this has the potential to being a "cool little lounge area". He stated he is comfortable with supporting the application.

Attorney Partridge asked the Applicant if there was a way for patrons to pass back and forth between CJ's and the clients business as there is a pass through shown on the submitted interior site plan. The Applicant responded that employees will use the pass through for food service, but patrons would not.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a bar and restaurant with video gaming and an outside seating area in the name of Joseph P. Colombi d/b/a JoJo's Slots & Video, Inc. in a C-4, Urban Mixed-Use Zoning District at 306 East State Street per the conditions below. The Motion was **SECONDED** by Aaron Magdziarz and **FAILED TO CARRY** by a vote of 2-4 with Dan Roszkowski, Alicia Neubauer, Dennis Olson and Craig Sockwell voting Nay.

The following conditions were included in the failed motion:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to submitted Exhibits D and E.
5. The hours of operation will be limited to 8:00 a.m. to 1:00 a.m. Monday through Sunday.
6. Window display signage is limited to 35% of window area.
7. Proposed awnings over the right-of-way must be reviewed and approved by Public Works.
8. The bar and restaurant shall not have a cover charge.
9. The bar and restaurant shall not have a dance floor.
10. The bar and restaurant shall not have any DJs.
11. The bar and restaurant shall not have any live entertainment.
12. The bar and restaurant shall not operate as a nightclub.
13. That all interior and exterior improvements shall be completed per the submitted plans prior to the issuance of a liquor license.
14. That the outdoor patio is reviewed and approved by Public Works and Community and Economic Development Departments for conformance with all Ordinances prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board